

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

**AMERICAN FAMILY MUTUAL
INSURANCE COMPANY,**

Plaintiff,

v.

**THE PAPER OF WABASH COUNTY,
INC., ASHLEY FLYNN,
CHRISTOPHER HAWLEY MARTIN,
and GARY W. HALL,**

Defendants.

CAUSE NO. 1:15-CV-144-PPS-SLC

OPINION AND ORDER

Plaintiff American Family Mutual Insurance Company filed a complaint against Defendants on June 10, 2015, alleging that this Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332. (DE 7). The complaint recites that “[a]t all times relevant herein,” Plaintiff was a Wisconsin corporation with its principal place of business in Wisconsin; Defendant The Paper of Wabash County, Inc., was an Indiana corporation with its principal place of business in Indiana; Defendant Ashley Flynn was a citizen of Indiana; Defendant Christopher Martin was a citizen of Indiana; and Defendant Gary Hall “is believed to have been” a citizen of Indiana. (DE 7 at ¶¶ 1-5).

Plaintiff’s jurisdictional allegations are inadequate in two respects. First, “[a]llegations of federal subject matter jurisdiction may not be made on the basis of information and belief, only personal knowledge.” *Yount v. Shashek*, 472 F. Supp. 2d 1055, 1057 n.1 (S.D. Ill. 2006) (citing *Am.’s Best Inns, Inc. v. Best Inns of Abilene, L.P.*, 980 F.2d 1072, 1074 (7th Cir. 1992)); *Ferolie Corp. v. Advantage Sales & Mktg., LLC*, No. 04 C 5425, 2004 WL 2433114, at *1 (N.D.

Ill. Oct. 28, 2004); *Hayes v. Bass Pro Outdoor World, LLC*, No. 02 C 9106, 2003 WL 187411, at *2 (N.D. Ill. Jan. 21, 2003). Therefore, Plaintiff's "belie[f]" that Defendant Hall is a citizen of Indiana is insufficient.

Second, for purposes of determining diversity jurisdiction, each party's citizenship must be articulated as of "the time of the filing of the complaint," rather than the date the claims are alleged to have arisen or some other time material to the lawsuit. *Multi-M Int'l, Inc. v. Paige Med. Supply Co.*, 142 F.R.D. 150, 152 (N.D. Ill. 1992). Here, it is unclear whether Plaintiff is articulating each party's citizenship as of the date of the filing of the complaint.

Therefore, Plaintiff is ORDERED to supplement the record on or before June 25, 2015, by filing an amended complaint that adequately alleges the citizenship of each party.

SO ORDERED.

Enter for this 11th day of June, 2015.

s/ Susan Collins

Susan Collins,
United States Magistrate Judge